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of the states in the system, and judicial control of legislation. All this part of the volume is based upon a painstaking examination of constitutions, statutes, judicial decisions, and political practice. Here are all the formal facts about Australian government which the most exacting legislator could demand set forth in a straightforward, engaging manner. But the book is more than a formal treatise, for the author recognizes with Thayer that "the study of constitutional law is allied not merely with history, but with statecraft and with the political problems of our great and complex national life." Accordingly he brings within his survey larger matters which are at the same time juristic, political, and economic—the place of the federal system in the British Empire (the despair of all systematists), the essentials of legislative, executive, and judicial power; the weight of judicial precedent; and the social implications of "right" and "liberty." Among the most interesting pages for the American lawyer are those dealing with the intervention of the state and federal governments in the causes of private parties involving constitutional questions, and those pages analyzing the nature of the federal taxing power. "The High Court of Australia," he says, p. 365, "has in several instances allowed the state government or the Commonwealth Government to intervene in suits in which it was not a party on the record, *e. g.* \* \* \* where the state of Victoria was heard on the ground of community of interest; \* \* \* where Victoria was again an intervenant, the case being one which raised the whole question of the relation between the Commonwealth and state governments, not in one particular only, but generally; \* \* \* the *Woodworkers Case* where the Commonwealth and the state of New South Wales intervened." Those who would stretch the Federal commerce powers to cover the products of child labor will read with profit the pages which deal with the case holding unconstitutional the Excise Tariff Act of 1906 making discriminations in duties on agricultural implements according to "certain conditions as to the remuneration of labor in their manufacture" (pp. 511 ff.). In this case the court took the view that the Act was "primarily an Act to compel all persons engaged in this industry to pay a certain rate of wages, and the imposition of the 'tax' was a mere incident to this substantive purpose." The Act was thus frankly viewed as a law to regulate a certain branch of manufacturing—a matter referred by the constitution to the states—and was held invalid. "If this were not so," said the court, "the Commonwealth Parliament might assume and exercise complete control over every act of every person in the Commonwealth by the simple method of imposing a pecuniary liability on everyone who did not conform to specified rules of action." These little glimpses into Mr. Moore's informing volume will surely serve to show that it has a moving interest for students of federal law who may never have the good fortune even to visit the new Commonwealth far away in the Southern Seas.

C. A. B.

QUESTIONED DOCUMENTS. By ALBERT S. OSBORN. With an introduction by PROFESSOR JOHN H. WIGMORE. Rochester, N. Y.: THE LAWYERS' CO-OPERATIVE PUBLISHING CO. 1910. pp. xxiv, 501.

Mr. Osborn's book is by far the best English work on the subject. It is a careful and complete exposition of the science and art of the examination of questioned documents, the methods of investigating

them and of presenting the results of the investigation to a court or jury. Its main purpose is to assist an attorney in the presentation of the facts of his case. Authorities are cited to show the admissibility in evidence of photographs, either as reproductions of the document or enlarged to show more clearly certain significant details, and the propriety of the use in court of the microscope and similar instruments, but these questions are incidental to the main purpose. The author's style, numerous well chosen illustrations and excellent press work add not a little to the book's attractiveness.

Mr. Osborn first discusses the mechanics of his art, explaining the application of the camera, the microscope, the stereoscope and various ingenious measuring devices for the investigation of a questioned document. The explanations are full and there is no suggestion of mystery, but they show the very high degree of mechanical skill that an investigator must possess, to say nothing of a host of other qualifications. He next treats of the basic characteristics of handwriting which are small in themselves and ingrained by years of habit, such as the system of writing, movement, slant, alignment, position and pressure of the pen, shading, etc. These are seldom either imitated or noticed by a forger and the resulting differences between the real and the false are easily shown as well as apprehended. Special problems, e. g., varieties of forgery, sequence of writing, writing over folds, erasures and alterations and the age of documents, receive careful treatment. A particularly interesting subject, and one never before discussed, is questioned typewriting. Mr. Osborn shows that every typewriting machine has peculiar characteristics, and that the identification of a typewritten document as the product of a certain machine, or of a certain date, is entirely possible and has been actually accomplished in court.

The author is decidedly progressive in his attitude toward legal procedure. His cry is "show the facts." He argues strongly, and sensibly, that a rule of evidence should not prevent every fact, however minute, from being shown; that the truth can never fail to establish the genuine and discredit the spurious; that any rule of law or procedure which does not further these ends is an obstacle to the innocent, an aid to the guilty and defeats justice. On these grounds he decries the exclusion of genuine writings as standards of comparison, the objections to the use of photographs, photo-micrographs or any modern scientific method or appliance which may tend to clarify the question under discussion. It is gratifying to know that the courts are gradually adopting these views.

The author's attitude toward expert testimony is equally progressive. He says, in his introduction, "Expert testimony, on any subject, that is merely the statement of an opinion may be of but little value and often is not worth the time that it consumes in a court of law." And again, on p. 468, "The primary purpose and function of questioned document expert testimony is not to foist a ready-made opinion on court and jury, but to assist the jury in reaching a correct interpretation of the facts before them. The importance of the bare opinion given by the witness should be constantly minimized and the reasons for the opinion should be elaborated and emphasized. \* \* \* Two mere opinions in conflict may neutralize each other, but this is not usually true of two reasons." An adherence to these principles would certainly increase the respect accorded to expert testimony, as well as its value to a litigant.

R. E. R.